CONSTITUTIONAL STATUS OF GILGIT-BALTISTAN: AN ISSUE OF HUMAN SECURITY

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Abstract

Situated amidst the world highest mountain ranges of the Himalayas, Karakoram and Hindukush, the thinly-populated federally-administrated Gilgit-Baltistan (GB) region of Pakistan enjoys immense geostrategic significance. The China-Pakistan Economic Corridor (CPEC) enters Pakistan via Gilgit-Baltistan. Nearly 500 km of the Karakoram Highway traverses the folds of GB from Khunjerab Pass to the boundary of Khyber-Pakhtunkhwa province. However, people of this region are struggling to attain constitutional status as the fifth province of Pakistan since independence. It remains in limbo due to the linkage of the region with the issue of Kashmir. This has serious ramifications for human security profile of the region. There are competing perspectives on the issue, and opinion is divided among Pakistan, India, the people of Kashmir, the international community and the people of GB. The people of GB region itself, being the main arbiter over their political future have started to assert as a stakeholder in social space. With diverse viewpoints and outlooks, it is a politically contentious and analytically challenging topic. This paper discusses various options to reach policy recommendations on the issue.

Keywords: Gilgit-Baltistan, Human Security, Geo-Strategic and Geo-Economic Significance, Constitutional Status, Provisional Provincial Status, Kashmir, China Pakistan Economic Corridor (CPEC).

Introduction

The question of constitutional status of GB predates the partition of South Asian subcontinent and creation of Pakistan. However, it assumed a blaring tone in the aftermath of accession of this region to Pakistan in 1947-1948.[1] Because of a host of factors, the idea of constitutional status remained short of realization even though the administrative structures of the region continued to evolve. Today, GB has reached an important milestone in its administrative journey with the virtual status of a province both in structural and functional terms. Nevertheless, politically, it remains "disputed" due to its linkage with the issue of Kashmir since 1948, which has pros and cons both for the state sovereignty as well as the human security.

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During the current years, a surge has been observed in the public opinion in GB with growing demand for grant of provincial status. It was also observed as a popular political slogan during the GBLA Elections 2015 and thereafter. The constitutional argument is not as simple. Since the status of the region has been kept in limbo for decades, a number of ideas, including centrifugal notion, are taking root. Relevance of the region in context of the China-Pakistan Economic Corridor (CPEC), the Chinese interest and the Indian political gesticulation add to the importance of the issue. Thus, it merits the attention of Pakistan's national leadership, intellectual community and media more than ever before. This calls for an in-depth analysis to examine all aspects of the issue, which can act as a foundation for the decision-making process on the issue.

The paper has been developed to include geo-strategic and geo-economic significance of the region, historical perspective, structural and contextual makeup of GB, constitutional and administrative journey since 1947-48, analysis of important aspects, constitutional options and policy recommendations.

Geo-Strategic and Geo-Economic Significance of Gilgit-Baltistan

Gilgit-Baltistan is located between Xinjiang Autonomous Region of China, Wakhan Corridor of Afghanistan, the Ladakh region of Indian Occupied Kashmir, Azad Jammu and Kashmir (AJ&K) and Khyber-Pakhtunkhwa province of Pakistan. Central Asia and the Tibet region of China are distant neighbours. Being located both on the old and the new Silk Route and on the snout of CPEC, the GB region possesses immense geo-strategic and geo-economic significance. Because of the emerging regional geo-politics, Pakistan is being termed as the zipper of the Pan-Eurasian economic integration.[2] Figure-1 containing map of the region shows GB's location and surroundings.[3] Nearly 440 km of the Karakoram Highway traverses the folds of GB from Khunjerab Pass to the boundary of Khyber-Pakhtunkhwa province.

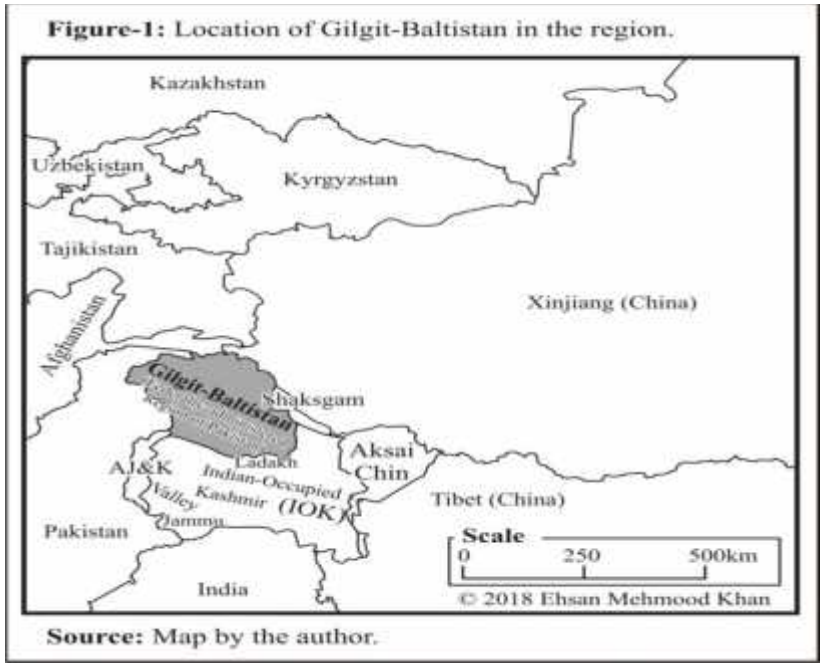


Figure-1: Location of Gilgit-Baltistan in the region.

Source: Map by the author.

The geography of the area *per se* to include the lofty peaks, Deosai Plateau and strategic high altitude passes add to its significance. The presence of the forces from three countries – India, China and Pakistan – in and around GB epitomizes the same. Due to its geo-strategic significance and relative remoteness from the remaining provinces of Pakistan, it is of paramount importance to have political stability and economic security in GB region so as to do away with the feelings of deprivation that could be exploited by the hostile powers and agencies.

Historical Perspective

The history of Gilgit-Baltistan can be divided into four distinct eras to include the Ancient Era i.e. BC era to 7th century, the Medieval Era i.e. 8th century to 18th century (Islam arrived in the region during this period), the Dogra Rule from 1840 to 1947-48 and the post-Liberation phase i.e. 1947 to date. In 1840, the Dogras of Kashmir invaded Baltistan region and later expanded towards Gilgit thereby annexing the area with the state of Jammu and Kashmir.[4] The people of Baltistan revolted against the Dogras in 1842 and the people of Gilgit in 1852. Dogra rule was re-established in Baltistan in 1842 and in Gilgit in 1860. On the other hand, in 1846, the British replaced the Sikhs in Punjab.[5] In 1876, the British established the Gilgit Agency.[6] Later, the British acquired the Gilgit Agency from Dogras on 60-year lease from 26 March 1935.[7] The people of the GB region had

neither accepted the Dogra rule nor their status as part of the state of J&K. During this period, the Diamer region remained largely free and its status was akin to the Federally Administered Tribal Areas (FATA).

With awakening of the Muslims across the subcontinent, the people of GB also stood against the Dogra rule, defeated them by 1 November 1947 in Gilgit and acceded to the newly created state of Pakistan.[8] The rulers / people of the states of Hunza, Nagar, Yasin and the tribal areas of Darel and Tangir were also willingly acceded to Pakistan. The liberation war continued. The Dogras were defeated in Baltistan (today's Skardu, Ghanche, Shigar and Kharmang districts) on 14 August 1948 and the region became part of Pakistan.[9] The GB sought accession to the state of Pakistan in five phases as follows: the state of Yasin on 7 November 1947; Gilgit on 16 November 1947; The states of Hunza and Nagar on 19 November 1947; Diamer (Darel and Tangir) in 1951-52; and Baltistan on 14 Aug 1948. Quaid-i-Azam Muhammad Ali Jinnah ratified the accession documents of Hunza and Nagar states with his own signatures on 7 December 1947. Since then, the people of GB are struggling for grant of constitutional status. The region has traversed a constitutional journey steadily, but is still short of grant of provincial status in line with other provinces of the country.

Structural and Contextual Makeup of GB

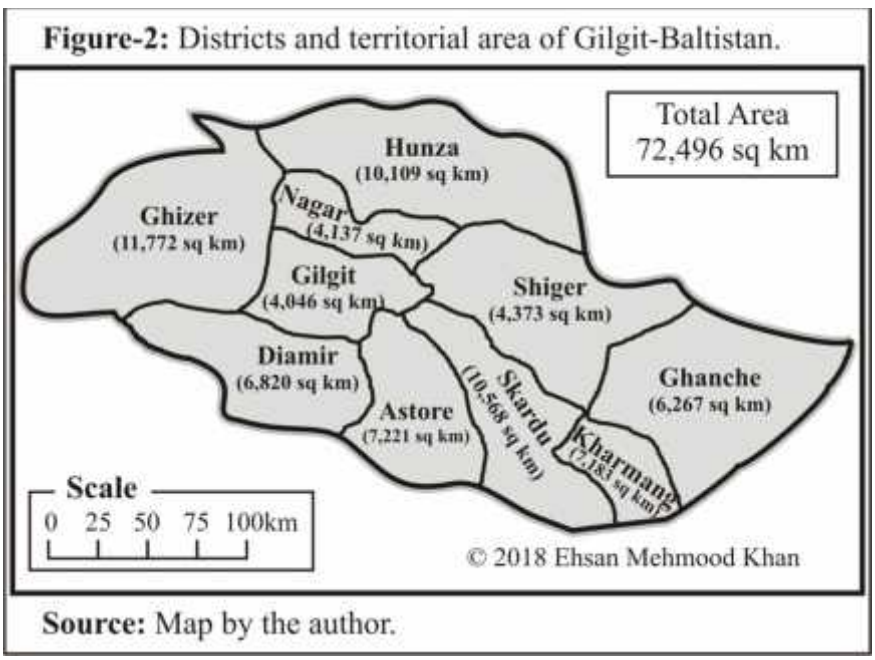
GB is northern most "yet-to-be" federating unit of Pakistan. Before analyzing other facets, it is important to look at the structural and contextual makeup of the region. With a territorial area of 72,496 km^2, which makes up for nearly 9 percent of Pakistan's territory, its population is over 1.4 million as per estimates of the 2017 National Census of Pakistan, which makes up for less than 1 percent of Pakistan's population. Administrative makeup, territorial area and population of GB is given in Table 1.1.[10]

Table 1.1: Territorial area and population of Gilgit-Baltistan

Division	District	Area (km^2)	Population (2017 Census) (estimated)
Gilgit	Gilgit	4,046	285,100
	Nagar	4,137	71,200
	Hunza	10,109	50,500
	Ghizer	11,772	170,300
Diamer	Astore	7,221	100,400
	Diamer	6,820	269,020

Baltistan	Skardu	10,568	253,200
	Kharmang	7,183	54,400
	Shigar	4,373	74,300
	Ghanche	6,267	156,400
Total		72,496	1,484,820

Figure-2 contains the map of the districts of Gilgit-Baltistan with territorial area.[11]



GB is home to four major sects of Islam to include *Shia*, *Sunni*, *Ismaili* and *Noorbakhshi*. *Sufia Noorbakhshia* and *Imamia Noorbakhshia* are two subsects of the *Noorbakhshi*. Because of small size, the Ahle Hadith community is generally considered to be part of the Sunni sect. Details are shown in Table 1.2.[12] Some other sources show different percentage of various sects.[13]

Table 1.2: Sectarian profile of GB as in March 2016 (Seven Districts)

District	**Percentage (as of total population)**			
	Sunni	**Shia**	**Ismaili**	**Noorbakhshi**
Gilgit	35	45	19.5	0.5
Skardu	6	88	-	6
Diamer	100	-	-	-
Ghizer	10	5	85	-

Ghanche	23	2	-	75
Astore	70	30	-	-
Hunza-Nagar	-	55	45	-
Total	**28**	**41**	**20**	**11**

Source: Official Website of Gilgit-Baltistan Scouts.

GB is a multi-sectarian, multi-ethnic, multi-linguistic and largely multi-cultural society. Seven major languages are spoken in GB to include *Shina*, *Balti*, *Burushaski*, *Khowar*, *Wakhi*, *Domaki*, and *Gojri*.[14] Punjabi and Pashto are also spoken by a few settlers and workers. However, Urdu remains to be the *lingua franca* of the region. People from various parts of the region communicate with each other through Urdu.

The Constitutional and Administrative Journey since 1947-48

The GB region has traversed a phased constitutional and administrative journey during the last seven decades. It may be noted that notwithstanding the Indian stance, the Government of Pakistan has practically kept the status of GB as different and separate from that of Azad Jammu and Kashmir (AJ&K) heretofore. An interim government was established in the region on November 1, 1947 by the revolutionary council under Raja Shah Rais Khan.[15] The Gilgit Agency joined Pakistan. On the call of the Interim government, Sardar Alam Khan reached Gilgit as the political agent of the Government of Pakistan on 16 November 1947. Initially, GB was made a part of (the erstwhile) North-West Frontier Province (NWFP) renamed as Khyber-Pakhtunkhwa (KP) province, and Frontier Crimes Regulations (FCR) were imposed in Gilgit (later extended to Baltistan and other areas of GB).[16] In 1950, it was taken under the direct federal rule as part of the Ministry of Kashmir Affairs.[17]

In 1970, the region was named "Northern Areas and made as separate administrative unit. A consultative council was also instituted. In 1974, reforms were introduced, which led to abolition of *Jagirdari* and *Rajgiri* system. FCR was also ended and replaced with local laws.[18] In 1980s, Syed Alhmed Ali Shah (Late) was made advisor on Northern Area. This post was equal to a cabinet minister. In 1994, administrative makeup of GB was reformed on provincial lines. Chief Secretary and other departmental secretaries were appointed. The post was

Deputy Chief Executive was also.[19] On 28 May 1999, the Supreme Court of Pakistan decreed: That the People of Northern Areas are citizens of Pakistan for all intents and purposes and like other citizens have the right to invoke any of the Fundamental Rights as enshrined in the Constitution. Following the decision of Supreme Court in May 1999, the federal government took a number of steps to devolve power to local level. Seats for technocrats and women were also included in NALC. Later, the posts of speaker and deputy speaker were also created.

In 2009, Gilgit-Baltistan Empowerment and Self Governance Order was promulgated by the federal government.[20] According to this order, the area was renamed as Gilgit-Baltistan. This was followed by complete administrative restructuring of the region on provincial lines by including the posts of Governor, Chief Minister and ministers for various departments. However, the region is still short of constitutional status as the fifth province of Pakistan, even interim or provisional. This is a popular narrative in socio-political circles of the region. The traders' community of the region supported by the general populace across the entire socio-political spectrum has linked the payment of taxes to the federal government to the constitutional status under the slogan of *pehlay huqooq phir tax*, literally meaning *(constitutional) rights before tax* and *no taxation without representation*. Actually, this was in response to the GB Council's effort to implement federal tax under the income tax law it adopted through Act-IX of 2012, which was approved in January 2013 by the GB government.[21]

Relevance with the UN Resolution on Kashmir

The UN Resolution of 21 April 1948 calling for plebiscite in the state of Jammu and Kashmir does not definitely point to GB or NA region.[22] However, due to the background discussion at that time and subsequent developments, the political destiny of GB region had been inextricably linked with that of Kashmir. Nevertheless, it does not bar the Government of Pakistan or the people of GB to grant and attain a provisional status that may work well to ensure that the human security dreams or fundamental rights of the people of GB are realized. The people retain the final say in their economic, social and political affairs. The government and people of AJ&K consider the GB region to be part of Kashmir. They deem that any change in the constitutional status of GB would harm the cause of Kashmir.

The Indian Stance

A lot of Indian literature and propaganda material has been focussed on GB, its significance, China-Pakistan Economic Corridor (CPEC), various other economic and energy-related projects and its political future. India is opposing CPEC on the same grounds and would resent the political upgradation of GB but it should not make any difference when it comes to national interest of Pakistan and human security interest of the people of GB.

Public Opinion in GB

The popular opinion of the intellectuals, journalists, teaching community, government officials hailing from GB and the commoners is clear. They deem that GB has never been part of the state of J&K. When the British sold J&K to the Maharaja of Kashmir for 750,000 Nanak Shahis vide the Treaty of Amritsar dated 16 March 1846, Ladakh and Baltistan were not part of it. People argue that after remaining independent for thousands of years and later having been under Dogra oppression for 108 years (1840-1948 AD), the region does not become an inseparable part of J&K. They argue that Pakistan too was once part of India but is a free country now.

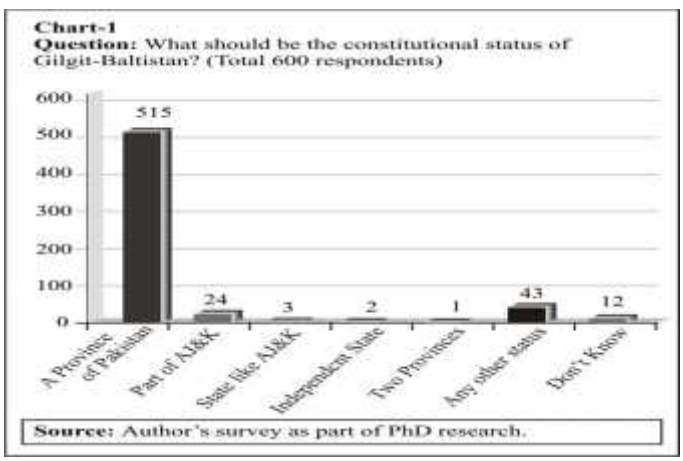
Mr Qasim Nasim, a senior journalist from Skardu, presents his logic on the issue as follows:

> *"The point to understand is that the Dogras entered Baltistan by means of military aggression. Other than that, there had neither been a constitutional or legal basis, legitimacy or rationale for their rule in GB, nor the people accepted their illegitimate rule. Hence, the Dogra occupation of the region following a military invasion cannot be a raison d'être for GB to be part of J&K. If GB can be declared a part of Kashmir, then both Pakistan and India could be declared a constitutional part of Britain. Kashmir itself has been ruled by Sultan Saeed Khan Kashgari and for a given period Afghans too. But it neither became of part of Kashgar nor an atoot ang (integral part) of Afghanistan. Likewise, we are not ready to accept Indian Occupied Kashmir (IOK) as part of India despite that it is under Indian administration since 1948."*[23]

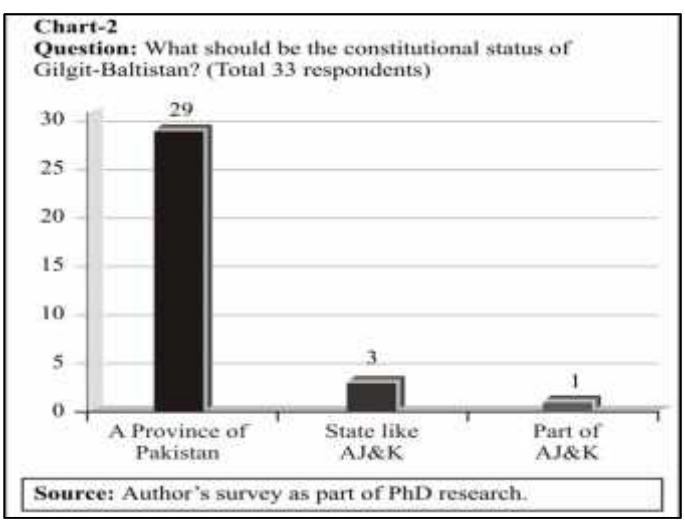
Most people of GB argue that there is no need for plebiscite in the region and that their elders had already acceded to the state of Pakistan in 1947-48. Youth expresses its views in the favour of constitutional status fiercely, often on social media. The views of youth are important from many angles. It is also of note that during 2017, there was a region-wise movement in GB against taxes

levied by the government with a popular slogan *"pehlay huqooq, phir tax"* meaning (constitutional) rights first then tax. Another similar slogan *no taxation without representation* was also used. Representation denotes constitutional recognition of the region as a federating unit of Pakistan, permanently or as an interim measure, and representation at in the national parliament and other institutions of the federation.

One of the questions during a public opinion survey conducted by the author as part of PhD research was: What should be the constitutional status of Gilgit-Baltistan? The result was startling. Out of total 600 respondents, an overwhelming majority of GB i.e. over 85 percent supported the status as a province of Pakistan for GB. Chart-1 carries the details.



The 33 members of the Gilgit-Baltistan Legislative Assembly (GBLA) were also part of these 600 respondents. Twenty nine of them ticked to be a province of Pakistan, three of them were in favour of attaining a status like AJ&K and one of them opined to be part of AJ&K. Chart 2 bears details.



Syed Mehdi Shah, Chief Minister of GB from 2009 to 2014, during an interview with the author, said, "Our forefathers had willingly decided to join Pakistan. We are Pakistani and are more patriotic than the people of any other province."[24] He further said:

> *Our people want to get the status at par with the Punjab and other provinces. In the present status, we are not getting rights compatible with other provinces. The GBLA members do not get development funds as for MNAs or MPAs from other provinces. People want to pay taxes but only after Gilgit-Baltistan region is declared as constitutional province of Pakistan. After proper constitutional status, we will be able to speak in the National Parliament on the basis of equality.* [25]

Being asked as to why GB should not be part of Kashmir, Syed Mehdi Shah opined, "being comparatively smaller in population, GB wild be at disadvantage vis-à-vis the larger population of Kashmir despite that GB has a large territorial area."[26]

Haji Fida Muhammad Nashad, Speaker Gilgit-Baltistan Legislative Assembly said, 'GB is not part of the state of Jammu and Kashmir but a part of the Kashmir dispute against the wishes of the people of GB'.[27] According to Muhammad Sikandar Ali, Chairman Public Accounts Committee GBLA, "GB is part of Pakistan, not Kashmir. We believe that Kashmir is also part of Pakistan. If Pakistan government cannot give complete constitutional status to GB because of linkage with the Kashmir issue, it should extend an interim provincial status with complete powers at par with other provinces of Pakistan.' [28] Mr. Ibrahim Sanai, the Minister for Information and Education in GB, said, "The Kashmiri people say, *Kashmir banay ga Pakistan* [Kashmir will become part of Pakistan]; we say, 'We were, are and will remain part of Pakistan'."[29]

The constitutional status-quo has serious ramifications. Mr. Yousaf Hussainabadi, a renowned intellectual from GB said, 'I can see anger in the eyes of youth. I also see the leadership swapping into the hands of the third generation, which looks at various issues with emotions. If the issue of constitutional status is not resolved, matters may aggravate.'[30] Mr. Afzal Ali Shigri opined, "Sub-nationalism is raising head because of constitutional status in limbo. If proper constitutional status is not given to GB, then the only linkage between Pakistan and GB is that of the UN Resolution on Kashmir."[31]

The Constitutional Linkage

Having discussed other pertinent facets including the view of the people of the region, it is imperative to view the case through the prism of the Constitution of the Islamic Republic of Pakistan. Some people in GB refer to the region as *sarzamin-e-be-aaeen* (literally *the land without constitution*). However, this notion is not based on absolute truth. Gilgit-Baltistan is an essential part of the federation of Pakistan both constitutionally and administratively. Two articles of the Constitution are important as regards the status of GB. Article 257 titled *Provision relating to the State of Jammu and Kashmir* notes: "When the people of the State of Jammu and Kashmir decide to accede to Pakistan, the relationship between Pakistan and that State shall be determined in accordance with the wishes of the people of that State." This article is relevant considering the GB's linkage with the Kashmir dispute though the majority of the people of GB do not subscribe to the idea of being a part of Kashmir. It is also of note that in accordance with the Karachi Agreement dated 28 April 1949, the administrative control of GB had been taken over by the Government of Pakistan.[32] Thus, practically the GB region has remained a *de facto* federating unit of Pakistan since then albeit without being a constitutionally declared province or a part of any province. To this end, Article 258 of the Constitution titled *Government of territories outside Provinces* notes: "Subject to the Constitution, until [Majlis-e-Shoora (Parliament)] by law otherwise provides, the President may, by Order, make provision for peace and good government of any part of Pakistan not forming part of a Province." The Gilgit-Baltistan (Empowerment and Self-Governance) Order 2009 (short form: the Governance Order 2009) should be viewed in the light of this Article. The Governance Order 2009 is manifestation of the administrative linkage of the GB region with the federation of Pakistan: *a part of Pakistan not forming part of a province* (Article 258). Administratively, it is a federal territory awaiting a provincial status, its intricate linkage with the Kashmir issue notwithstanding.

The Human Security Linkage

The current constitutional status of GB is a source of human insecurity in a number of ways. Even though a complete provincial structure exists in region, nevertheless, the federation-federating unit relationship is not akin to the other provinces of Pakistan. The GB region is not represented in the national parliament (the National Assembly and the Senate) and thus remains unrepresented in the national cabinet, too. Hence, a person from GB cannot

become the President or Prime Minister of Pakistan. All this indeed deprives the people of the region from participation in the national decision-making process. Likewise, the region has no direct representation in National Finance Commission (NFC) Award, the Council of Common Interests (CCI), National Economic Council (NEC) and other national institutions, awards and councils. In most cases, it is represented through bureaucracy part of the Ministry of Kashmir Affairs and Gilgit-Baltistan. All this has implications for political security and socio-economic development of the region. The taxation argument discussed earlier amplifies the economic woes of the region. The current constitutional status also causes an identity concern for the people of the region, which is yet another imperative of human security. Thus, in view of the human security needs, the region can be better administered as a federating unit rather than a federal territory.

Analysis

GB is a unique region in the world where exists a unification/integration movement with full centripetal propensity rather than centrifugalism. However, there is a need to analyse the issue from various angles. It is important to debate the question of constitutional status vis-à-vis the UN resolutions. To some, declaration of GB as a province maybe tantamount to *de facto* acceptance of status quo on Kashmir, which India has been endeavouring for decades. It may also be propagated by some that Pakistan has practically accepted the division of Kashmir along the current Line of Control. Thus, a constitutional decision on GB would be a bold decision. It would call for strong measures both in physical and cognitive domain to make all those concerned believe that Pakistan continues to support the Kashmir cause politically, diplomatically and morally in addition to their right of self-determination through a plebiscite to be held under the UN auspices. Granting fundamental rights to a people of GB does not, at any rate, cancel out their right to self-determination of the people of J&K.

The GB region is inhabited by deeply patriotic Pakistanis. During the last about seven decades, a number of options have been discussed with regard to Kashmir but the people of GB have embraced a single option: Pakistan. They do not consider them to be Kashmiris, nor do they want to be part of AJ&K. Their popular demand is to become a constitutionally declared province of Pakistan at par with the other provinces. They fear that plebiscite held in line with the UN resolutions could go to their disadvantage because of comparatively smaller population vis-à-vis Ladakh, AJ&K, Jammu and the Valley regions.

If a provisional constitutional arrangement is adopted, a parallel already exists in the form of the Sino-Pakistan Boundary Agreement - 1963. Article-6 of the said agreement points to its provisional nature and that the negotiations will reopen after the settlement of Kashmir issue.

The government of Pakistan/GB need to engage the GB's youth who are better educated than the previous generation. It is noteworthy that the international NGOs and other countries are gradually attracting the GB's youth. Indians are trying to engage the GB's youth by means of social media and publications focussing on region's history, culture, economic conditions, sub-nationalist trends, prospective political future and the linkage with India with ostensibly appealing narratives. All this can be subsided only through constructive engagement of youth. This would be easier after assigning a defined political status to the region. Other international players are keeping their imprints in GB – USA, Iran, Saudi Arabia, EU, China and others to meet their own ends. Nearly 1,000 NGOs of various sizes are working in GB. USAID is spending heavily on different socio-economic projects in GB. However, despite all this, the state of Pakistan is still strong both notionally and physically. The state can make the most from it for generation of positive vibes.

Sub-nationalists have started advancing their agenda. Hostile agencies are supporting it. Sub-nationalist elements are taking advantage of the constitutional limbo.[33] Many pro-Pakistan elements are inadvertently sliding towards sub-nationalism due to delay in accord of proper constitutional status to the region. Ismaili community of Ghizer and Hunza is being taken to sub-nationalism; Nawaz Naji and Baba Jan are cases in point. It may be noted that from the point of view of location, the Ismaili community forms an important strategic quadrangle: it is located in GB and Chitral, Badakhshan province of Afghanistan, Xinjiang (China) and Gorno-Badakhshan Autonomous Region of Tajikistan. To ward off any centrifugal tendencies in this community, it is imperative to engage it politically drawing it to the Centre constitutionally. Sub-nationalist mind in Baltistan thinks in terms of Tibetan blood. It does not have strong basis. However, it is imperative to sever even the minor roots so as to keep the youth free from such trends or feelings. GB's constitutional status as a province of Pakistan can undo many such leanings.

A few people from the non-Shia communities in GB, mainly Sunni and Ahle Hadith, believe that if GB is given a constitutional status, it would emerge

as a Shia-majority province – all to the disadvantage of other communities. This concern is actually far from reality. If five different sectarian communities – Shia, Sunni, Ismaili, Noorbakhshi and Ahle Hadith are putting up together both socially and politically within a de facto provincial structure today, why would it be difficult if the region gets a defined provincial status? As a matter of fact, such feelings are detrimental to national integration. If this analogy or fear is taken as true, will we call the remaining provinces as the Sunni-dominated? Thus, such a notion needs no attention. It is also of note that majority of these sects too are in favour of provincial status, whether permanent or interim.

People are the final arbiter on their political future. The question is as to whether the constitutional status is to be decided by the government in line with some statist notions or in keeping with the popular demands of the people. To go in line with the latter would bring an enduring outcome. It is also of note that the people of GB may tend to get disenchanted with Pakistan after remaining in constitutional ambiguity for so long. Thus, if the decision on GB is delayed, it may not be as easy in the future.

Likely Effect of Constitutional Status to GB

Grant of constitutional status of GB will have definitive fallout both at home and abroad. *Firstly*, the Kashmiri leadership of both sides i.e. Azad Jammu and Kashmir (AJ&K) and Indian-Occupied Kashamir (IOK) is expected to react to the decision of granting even provisional provincial status to GB claiming it to be a part of the State of J&K. Besides, political statements, mobilization of masses against the decision cannot be ruled out. Pakistan's action may be portrayed as withdrawal from the original stance on Kashmir, thereby adversely affecting Kashmir freedom struggle. Sentimentality in the backdrop of sacrifices of Kashmiri Mujahideen is also likely. Decision may be challenged in the Apex Courts of AJ&K, GB and Pakistan. Secondly, some sub-nationalist elements from GB supported by India and Kashmiri community, may oppose the move in media and on the streets. However, this component is likely to make negligible impact in the face of overwhelming acceptance by the GB's population at large. *Secondly*, it may lead to surge in demand for various other provinces such as Muhajir Suba, Saraiki Suba and Hazara etc. *Fourthly*, most serious opposition is expected from India as it claims the whole region as its integral part. However, it would be in a catch since it has already taken a stance that UN Resolutions on Kashmir are not relevant after Simla Agreement. Thus, they are not likely to take the issue to the UN. Moreover, this opposition is likely to remain restricted to diplomacy.

The United States may side with the Indian viewpoint, which is evident from the recent statement of the US Defence Secretary James Mattis. He stated before the Senate Armed Services Committee in October 2017: "The One Belt, One Road also goes through disputed territory, and I think that in itself shows the vulnerability of trying to establish that sort of a dictate."[34] Muslim countries in general are expected to remain neutral owing to their indifference and economic relations with India. Because of sectarian affinity, Iran may support the decision. Despite its strong relations with India, Iran has been supporting the Kashmir cause and stated the same position even during 2017. The Kashmiri community abroad, especially in UK, is likely to oppose the move.

Indian opposition can be effectively countered in the light of historical perspective, aspirations of native people, Indian atrocities in Kashmir and its non-acceptance of the UN resolutions on Kashmir. Some international pressure is also likely, which would need to be managed by the Pakistan government. The office of the permanent representative of Pakistan at the UN needs to play a proactive but pacifying role to counteract against the fallout of any protests or memorandums forwarded by different quarters to the UNSG. The Kashmiri community abroad would also exert pressure and would thus need a government policy to deal with. They need reassurance that the Kashmir cause will not be hurt by granting constitutional status to GB.

The scholars' community in GB believes that the provisional provincial status will not outdo the linkage between GB and settlement of Kashmir issue in accordance with the UN Resolutions. Firm commitment to the cause of Kashmir has always been shown by the people of GB. However, the people of GB strongly voice for constitutional status, something that cannot be held in limbo for an indefinite period of time as it is severely impinging upon the human security profile of the region. It would also be of the essence for the Pakistani government to launch an internal diplomatic drive in order to take into confidence the Kashmiri politicians, populaces and other elements that may have apprehensions on the move. The Supreme Court of Pakistan's decision of 1999 may be taken as one of the primary guidelines.

Constitutional Options available with the Pakistan Government

- ***Option-1: Provisional provincial status***. This can happen without completely delinking it from the issue of Kashmir.

- ***Option-2: Final provincial status***. This is indeed the popular demand in GB. However, it has more cons than pros. More so, it would have no fallback position.
- ***Option-3: Status quo***. If maintained, it would lead to the following: (1) It is already being contested and would continue to be so; (2) Fallout may be irreparable; (3) Today or tomorrow, status quo will have to be changed. Today, it can be done at the choice of the State; tomorrow it may not be without cost.
- ***Option-4: AJ&K-like status***. This is not a popular demand in the region except for a few proponents. However, this too would not have a fallback position and would go against the needs for national integration.

Policy Recommendations

Option-1 is recommended, keeping in view the discussion made in the preceding paragraphs. The GB region should be granted interim / provisional provincial status pending the settlement of Kashmir issue along with the following (by means of a constitutional amendment): (1) The region should have representation in the lower house of the National Parliament in accordance with its population proportion (however, due to thin population density over a large territorial area some, additional seats may be considered); (2) It should also be represented in the upper house i.e. Senate like other provinces. A parliamentary committee may be formed to rationalize the seats of all provinces. (3) GB Council should be abolished after representation in the parliament (4) GBLA should be renamed as Provincial Assembly of Gilgit-Baltistan as for other provinces; (5) The range of responsibility of federal KA&GB ministry should end inasmuch as GB is concerned; (6) Jurisdiction of Supreme Court of Pakistan should be extended to GB in addition to establishment of GB High Court and lower judiciary (7) The new provinces should be directly represented in the NFC Award, the Council of Common Interest (CCI), National Economic Council (NEC) and all other national awards and accords; (8) Direct share in federal public sector development programme (PSDP); (9) and the new province should receive royalty and share of net profit on generation of hydro-electricity.

Conclusion

Gilgit-Baltistan is an inseparable and indivisible part of Pakistan. GB and Pakistan have a relationship of "head and body." The question of constitutional

status of the region has been held in limbo for nearly seven decades. Its Kashmir linkage may be the need of the people of Kashmir or the State of Pakistan when seen through the prism of plebiscite under the auspices of the UN. But the constitutional status as a province is the call of the day in keeping with the wishes of the people of GB. In point of fact, this serves the larger cause of human security of the people of GB. It is also imperative in the wake of CPEC so that the region does not look like un-governed, less-governed or constitution-less. It is easier to declare GB a province in line with Option-1 today. It may not remain the same during the times to come. Thus, it needs to be handled by the national leadership with a sense of urgency.

NOTES

[1] The region sought freedom from the Dogra rule after a fierce campaign by liberation forces formed by the people of Gilgit-Baltistan. Gilgit was liberated on 1 November 1947 while the liberation of Baltistan coincided with the first anniversary of Pakistan's Independence i.e. 14 August 1948.

[2] Andrew Korybko, a Russian political analyst, coined this term in 2015. Andrew Korybko, "Pakistan is the "Zipper" of Pan-Eurasian Integration," *Russian Institute for Strategic Studies* (September 2015), https://en.riss.ru/analysis/18882/ (accessed December 12, 2017).

[3] Map by the author.

[4] Muhammad Yousaf Hussainabadi, *Tareekh-e-Baltistan* (Skardu: Baltistan Book Depot: 2006).

[5] John F. Riddick, *The History of British India: A Chronology* (London: Praeger, 2006), 48.

[6] Madhvi Yasin, *British Paramountcy in Kashmir, 1876-1894* (New Delhi, Atlantic Publishers, 1984), 94.

[7] Victoria Schofield, Kashmir in Conflict: India, Pakistan and the Unending War (New York: I.B. Tauris, 2010), 25.

[8] William A. Brown, *Gilgit Rebellion: The Major who Mutinied over Partition of India* (Barnsley, South Yorkshire: Pen and Sword, 2014), 139.

[9] Banat Gul Afridi, *Baltistan in History* (Peshawar: Emjay Books International, 1988), 232.

[10] Data for territorial area has been obtained from the Home Department of Gilgit-Baltistan government. Population statistics are based on various media estimates. Official figures are yet to be announced. Hence, actual figures are likely to be a little different.

[10] Statistics are based on various media estimates. Official figures are yet to be announced. Hence, actual figures are likely to be a little different.

[11] Map by the author.

[12] "Population/ Sectarian Profile," *Gilgit-Baltistan Scouts*, http://www.gilgitbaltistanscouts.gov.pk/geodemo.htm (accessed March 10, 2016).

[13] Mr. Muhammad Feyyaz, "Sectarian Conflict in Gilgit-Baltistan," *Pakistan Institute of Legislative Development and Transparency (PILDAT)*, Islamabad (May 2011): 12, is one such source.

[14] "Languages," *Gilgit-Baltistan Scouts*, http://www.gilgitbaltistanscouts.gov.pk/geodemo.htm (accessed December 12, 2017).

[15] A number of authentic sources, some of them with competing narratives, are available – both primary and secondary accounts – to know the events preceding 1 November 1947. Colonel Mirza Hassan Khan, *Shamsheer Say Zanjeer Tak*, 3rd edition (Rawalpindi: Northern Printing Press, 2010) and William A. Brown, Gilgit Rebellion: The Major Who Mutinied over Partition of India (London: Pen and Sword, 2014) are two such important volumes.

[16] Shaheen Sardar Ali, Javaid Rehman, *Indigenous Peoples and Ethnic Minorities of Pakistan: Constitutional and Legal Perspectives* (Surrey: Curzon Press, 2001), 136.

[17] Ibid.

[18] Priyanka Singh, "Gilgit-Baltistan: Between Hope and Despair," *Institute for Defence Studies and Analysis* (March 2013), 17.

[19] Muhmmad Qasim Naseem, *Gilgit Baltistan aur Masla-e-Kashmir* (Lahore: Sang e Meel Publications, 2007).

[20] "Gilgit-Baltistan Legislative Assembly," http://gbla.gov.pk/page/history#GBselfGOrder2009 (accessed November 13, 2017).

[21] Afzal Ali Shigri, "Taxation without Representation," *Dawn*, Islamabad, January 2, 2018.

[22] An interactive list of UN Security Council Resolutions of 1948 can be found at http://www.un.org/en/sc/documents/resolutions/1948.shtml (accessed November 13, 2017). UN Resolution of 21 April 1948 can be found at http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/47(1948) (accessed November 13, 2017).

[23] Muhammad Qasim Naseem, op.cit. Translated by this author.

[24] Syed Mehdi Shah, Chief Minister of GB from 2009 to 2014, Interview by the author, Skardu, January 14, 2016.

[25] Ibid.

[26] Ibid.

[27] Haji Fida Muhammad Nashad, Speaker Gilgit-Baltistan Legislative Assembly (GBLA), Interview by the author, Skardu, October 28, 2016.

[28] Muhammad Sikandar Ali, member GBLA from Roundo and Chairman Public Accounts Committee GBLA, Interview by the author, Skardu, October 28, 2015.

[29] Sanai, 2015.

[30] Muhammad Yousaf Hussainabadi, author, historian and research scholar, Interview by the author, Skardu, March 14, 2015. Muhammad Hassan Hasrat, another scholar from Baltistan, shared these views.

[31] Afzal Ali Shigri, ex Inspector-General Police (IGP) Sindh (hails from Shigar district of GB), author, analyst and columnist, Interview by the author, via email, May 13, 2016. According to Muhammad Ibrahim Sanai, the Minister for Information and Education in GB, "Sub-nationalism cannot succeed in GB. We have a lot of divergences within: ethnic, linguistic, sectarian, cultural and historical etc. The best for us is to remain part of Pakistan." Sanai, 2015.

[32] K. Warikoo, *Himalayan Frontiers of India: Historical, Geo-Political and Strategic Perspectives* (New York: Routledge, 2009), 85. The Karachi Agreement had three signatories to include Sardar Ibrahim Khan, President AJ&K, Sardar Ghulam Abbas, the Muslim Conference and Mushtaq Ahmed Gurmani, the Minister without portfolio of Pakistan. However, this too is not without controversies. The people of GB argue that they were neither represented nor were signatory to the agreement.

[33] In February 2017, The GB police apprehended two members of Balawaristan National Front (BNF), a sub-nationalist organization for being involved in buying arms in order to 'sabotage' the China-Pakistan Economic Corridor (CPEC) and engaging in 'anti-state' speech. For details, see Imtiaz Ali Taj, "GB police arrest two people for 'anti-state' activities," *Dawn*, February 12, 2017. This has been cited herein just as a case in point. There are other instances that point to the importance of the matter. However, lest we are carried away, sub-nationalism in GB is much below the level of that in Balochistan.

[34] Anwar Iqbal, "CPEC passes through disputed territory: US," *Dawn*, Islamabad, October 7, 2017.